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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/671,497	09/29/2003	Kinji Adachi	8048-1033	8494

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EXAMINER	
WHITE, RODNEY BARNETT	
ART UNIT	**PAPER NUMBER**
3636	

DATE MAILED: 02/07/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/671,497	ADACHI, KINJI	
	Examiner	Art Unit	
	Rodney B. White	3636	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *13 June 2005 and the Interview on 2/1/06*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1,4,5,8-10,16-18 and 20* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1,4,5,8-10,16-18 and 20* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☒ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

During an Interview on 02//01/2006, it was determined that the patent [Onishi et al (U.S. Patent No. 6,196,629 B1)] relied upon to make the final rejection did not teach all the features or structures of the present invention. Applicant's request for reconsideration of the finality of the rejection of the last Office action is persuasive and, therefore, the finality of that action is withdrawn.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1, 4-5, 8-10, 16-18, and 20 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 1, lines 2-3, the "mounted on a vehicle seat: is unclear and confusing language. The claim reads as if Applicant is claiming the child seat in combination with the vehicle seat, when the vehicle seat is not part of the invention. Perhaps Applicant should change the "mounted" to - -for mounting - - or - - to be mounted - -. On lines 5-6, the phrase "to invert an orientation with respect to a longitudinal direction of the vehicle" is unclear and confusing language. Although the language is part of a functional language within the claim that lacks patentable weight, again Applicant is

defining the limitation s or features with respect to the vehicle which is not part of the invention. Perhaps that language beginning the word "with" should be replaced simply with - - of the child car seat - -. This problem is repeated in claim 4, 8, and 16 and should be corrected in those claims as well.

In claim 4, line 10, the word "in" should be - - is - -.

In claim 9, lines 3-5, the phrase "and a height of the arm rest portions with respect to the seat portion is gradually increased in accordance with being close to the front end" is not only unclear and confusing, but it reads as if the arm rests are selectively moveable or adjustable when they are stationary or fixed to the child car seat and do not move, having no adjustability or movement with respect to any parts of the child car seat.

The aforementioned problems render the claims vague and indefinite. Clarification and/or correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States

only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

Claims 1, 4-5 8-10, and 16 are rejected under 35 U.S.C. 102(e) as being anticipated by Tsugimatsu et al (U.S. Patent No. 6,746,080 B2).

Tsugimatsu et al teach a child car seat comprising a base provided with a lower base portion (1) with an upper base portion mounted so as to freely turn with respect to the lower base portion in such a manner as to invert an orientation of the child car seat, a seat main body (not labeled) supported by the base, the upper base portion of the base having an upper surface to which the seat main body is mounted via a reclining mechanism wherein the seat main body has a shell which is connected to the upper base portion via the reclining mechanism (See Figures 3 and specification), the base is provided with a bridge which is arranged so as to be astride the shell in a lateral direction while allowing a reclining motion of the shell with respect to upper base

portion and which has both ends fixed to the upper base portion, and a belt fixing apparatus for fixing a seat belt of the vehicle to the base is mounted to the bridge, the and wherein the upper base portion is provided with a belt mounting portion wherein the belt mounting portion is provided with a belt fixing apparatus for fixing the seat belt to the base, wherein the arm rest portion of the shell is provided with a belt through hole for putting the seat belt of the vehicle through to a front surface side of the shell in the case that the seat main body is set to the rear-facing posture (See Figures 17-18 and column 8, lines 39-67 and column 9, lines 1-14), wherein a front end of a shell provided in the seat main body is allowed to be positioned on an approximately extension of a rear end of the base, at a time of setting the seat main body to a rear-facing posture, wherein the arm rest portions are provided on both sides of a seat portion in the shell, and a height of the armrest portions with respect tot eh seat portion is gradually increases in accordance with being close to the front end (see Figures 3-4), belt fixing apparatus mounted to the seat supporting allowing the seat belt inserted to an inner portion, thereof to move one direction and inhibiting the seat belt from moving to an opposite direction to the one direction, wherein the belt fixing apparatus is rotatably mounted to the seat supporting portion such a manner that the one direction invertible See Fig. 18), comprising a base provided as the seat supporting portion, and a shell provided so as to cover the base and mounted to the base in a state in which a reclining motion with respect to the base is possible.

Claims 4-5 and 8-9 are rejected under 35 U.S.C. 102(b) as being anticipated by Onishi et al (U.S. Patent No. 6,196,629 B1).

Onishi et al teach a child car seat (1A) comprising a base provided with a lower base portion (1C) with an upper base portion (1B) mounted so as to freely turn with respect to the lower base portion in such a manner as to invert an orientation of the child car seat, a seat main body 16 supported by the base, the upper base portion of the base having an upper surface to which the seat main body is mounted, and wherein the upper base portion is provided with a belt mounting portion (See Figures 3-5 and column 8, lines 17-18), wherein the belt mounting portion is provided with a belt fixing apparatus for fixing the seat belt to the base, wherein a front end of a shell provided in the seat main body is allowed to be positioned on an approximately extension of a rear end of the base, at a time of setting the seat main body to a rear-facing posture, wherein the arm rest portions are provided on both sides of a seat portion in the shell, and a height of the armrest portions with respect tot eh seat portion is gradually increases in accordance with being close to the front end.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 17-18 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tsugimatsu et al in view of van Monfort (U.S. Patent No. 6,152,528) and Yanaka et al (U.S Patent No. 6,672,664 B2).

Tsugimatsu et al teach the structure substantially as claimed but does not teach or specify a bridge arranged so as to be astride the shell a lateral direction from a front surface side while allowing a reclining motion of the shell and having both ends fixed to the base through the shell is provided on the base, and the belt fixing apparatus is mounted on the bridge, wherein the belt fixing apparatus is arranged in a center with respect to the lateral direction. However, van Monfort and Yanaka et al both teach a bridge arranged so as to be astride the shell a lateral direction from a front surface side while allowing a reclining motion of the shell and having both ends fixed to the base through the shell is provided on the base, and the belt fixing apparatus is mounted on the bridge, wherein the belt fixing apparatus is arranged in a center with respect to the lateral direction to be old. It would have been obvious and well within the level of ordinary skill in the ordinary skill in the art to modify the child car seat taught by Tsugimatsu et al, to include a bridge arranged so as to be astride the shell a lateral direction from a front surface side while allowing a reclining motion of the shell and having both ends fixed to the base through the shell is provided on the base, and the belt fixing apparatus is mounted on the bridge, wherein the belt fixing apparatus is arranged in a center with respect to the lateral direction, as taught van Monfort and Yanaka et al, since such a feature is an alternative conventional structure and method to that of Tsugimatsu et al and since the such a structure and method would allow a

child car seat harness to secure the child in the child car seat and since it would provide a more secure, sturdier connection to the vehicle seat.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Meeker, Barley et al, Czernakowski et al, Berringer et al,Yamazaki, and Kain teach structures and concepts similar to the present invention.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Rodney B. White whose telephone number is (571) 272-6863. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter Cuomo can be reached on (571) 272-6856. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Rodney B. White,

Patent Examiner
Art Unit 3636
February 1, 2006

RODNEY B. WHITE
PRIMARY EXAMINER